

REMARKS

1. Claims 21 and 28 are rejected under 35 USC 102b as being anticipated by McIntosh.

Claims 21 and 28 recite displaying two "arrangements" of performance data. A first arrangement describes user exercise performance while the exercise machine provides less than a threshold level of resistance and second arrangement describes user exercise performance while the machine provides greater than the threshold level of resistance.

Citing McIntosh, col. 6, lines 3-14, the Examiner argues that

"to the extent claimed, McIntosh discloses two arrangements displaying first and second performance data criteria, as the separate displays are not distinctly claimed."

McIntosh, col. 6 lines 3-14 teaches displaying a stick figure representing an exercise machine user. The color of each body part of the stick figure represents a desired level of performance or effort of the corresponding body part of the user. A body part of the stick figure blinks whenever the corresponding body part of the user fails to maintain the desired level of effort. Thus the stick figure display tells the user how hard he ought to exercise each body part and indicates whether the user is exercising each body part at the desired level.

The Examiner may consider a stick figure that has no blinking parts to be a different "arrangement" than when the stick has one or more blinking parts and considers the color of and blink status of the stick figure to be a way of "presenting data" regarding user performance.

Note, however, that claims 21 and 28 recite the first "arrangement" indicates performance data describing exercise performed by the user

"while the resisting means is providing a first level of resistance ... that is less than a threshold level"

and the second "arrangement" indicates performance data describing exercise performed by the user

"while the resisting means is providing a first level of resistance ... that is greater than the threshold level".

Thus while both arrangements display performance data, the difference between the first and second arrangements recited in claims 21 and 28 relates to the level of exercise machine resistance to user effort, whereas the difference between McIntosh's blinking and non-blinking stick figure "arrangements" relates to the level of user effort. Although both display systems tell the user something about his performance, they differ with respect to how they categorize user performance. A user viewing the "performance data" presented by the applicant's recited first and second arrangements is able to distinguish how he performed during times when resistance was low from how he performed during times when resistance was high. The applicant's two arrangements thus categorize user performance data according to the machine's resistance level at the time the effort was performed. A user viewing the "performance data" presented by the stick figure learns desired performance criteria for each body part and whether his performance currently meets those performance criteria. The stick figure thus categorizes user performance according to whether the user does or does not meet performance criteria. The stick figure does not categorize user performance data according to the machine's resistance level at the time the effort was performed.

Claims 21 and 22 are therefore patentable over McIntosh.

2. Claims 22-24 and 26-29 are rejected under 35 USC 103 as being unpatentable over McIntosh. The Examiner is respectfully requested to withdraw the rejection of these claims in view of the comments above distinguishing their base claims over McIntosh

3. The Examiner has objected to claim 25 and 30 as being dependent on rejected base claims. The Examiner is respectfully requested to withdraw the objection to these claims in view of the comments above distinguishing their base claims 21 over McIntosh

In view of the foregoing remarks it is believed the application is in condition for allowance. Notice of Allowance is therefore respectfully requested.

Respectfully submitted,


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